

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DOUGLAS SHELTON and)	
STACY SHELTON,)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-23-462-D
)	
STATE FARM FIRE AND)	
CASUALTY COMPANY,)	
)	
Defendant.)	

ORDER

Before the Court is Plaintiffs’ Motion to Dismiss Without Prejudice [Doc. No. 14] under Fed. R. Civ. P. 41(a)(2). Defendant has timely responded [Doc. No. 15] stating that it has no objection.

Rule 41(a)(2) authorizes a district court to dismiss an action at the request of a plaintiff “on terms that the court considers proper.” “The rule is designed primarily to prevent voluntary dismissals which unfairly affect the other side, and to permit the imposition of curative conditions.” *Frank v. Crawley Petroleum Corp.*, 992 F.3d 987, 998 (10th Cir. 2021) (internal quotation omitted). “Absent ‘legal prejudice’ to the defendant, the district court normally should grant such a dismissal.” *Ohlander v. Larson*, 114 F.3d 1531, 1537 (10th Cir. 1997).

Upon consideration of the circumstances described in the Motion, the Court finds that Plaintiffs should be permitted to voluntarily dismiss their action without prejudice to a future filing, and without imposing any conditions.

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Dismiss Without Prejudice [Doc. No. 14] is **GRANTED**. This action is **DISMISSED WITHOUT PREJUDICE** to refiling. A separate judgment of dismissal shall be entered.

IT IS SO ORDERED this 28th day of August, 2023.



TIMOTHY D. DeGIUSTI
Chief United States District Judge